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*Attorneys for Defendants  
James Dzurenda and Brian Williams*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

ANTHONY PRENTICE,

Plaintiff,

v.

NEVADA STATE OF, *et al.*,

Defendants.

Case No. 2:18-01801-APG-VCF

**DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO FILE  
OPPOSITION  
TO PLAINTIFF'S EMERGENCY  
MOTION FOR PRELIMINARY  
INJUNCTIONS (ECF NOS. 14, 15)**

**ORDER**

Defendants, James Dzurenda and Brian Williams, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Charles D Hopper, Deputy Attorney General, hereby file a Motion for Extension of time to file their Oppositions to Plaintiff's Motion for Preliminary Injunction for Religious Diet (ECF No. 14) and for Religious Practice (ECF No. 15). In light of the exigent circumstances regarding the State of Nevada's response and directives regarding COVID-19, the Office of the Attorney General's (OAG) response to the directives, along with an unexpected network outage, Defendants respectfully request a 10 day extension to respond to Plaintiff's Emergency Motions for Preliminary Injunctions (ECF Nos. 14 and 15).

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## MEMORANDUM OF POINTS AND AUTHORITIES

### I. RELEVANT BACKGROUND AND FACTS

On November 8, 2019, Plaintiff filed an Emergency Motion for Preliminary Injunction for Religious Diet (ECF No. 14), and an Emergency Motion for Preliminary Injunction Religious Practice (ECF No. 15).

On June 8, 2020, the Court entered an Order Regarding Briefing on Motion for Preliminary Injunction, ordering Defendants to file a response to the ECF Nos. 14, 15, by June 22, 2020. (*See* ECF No. 20.)

In light of the administrative obstacles at the Office of the Attorney General (OAG), related to the State guidelines in response to COVID-19, which has affected the effectiveness and responsiveness of communications among the Defendants, and the OAG's ability to efficiently obtain documents and evidence, Defendants request the extension. An additional unexpected complication is an Internet outage affecting some state agencies state-wide. *See* e-mail dated June 22, 2020 from State of Nevada Enterprise IT Services (indicating fiber optic cable was severed) a copy is attached as Exhibit A.

Thus, Defendants respectfully request a ten (10) day extension of time from the current deadline of June 22, 2020, to file responses to Plaintiff's Motions on or before July 2, 2020.<sup>1</sup>

### II. DISCUSSION

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

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<sup>1</sup> The Ninth Circuit's COVID-19 Notice (as of 3/26/20) implies 60 days may be sufficient for brief filing extensions. The OAG believes 10 days to be sufficient in this case.

1 “The district court is given broad discretion in supervising the pretrial phase of  
2 litigation....” *Zivkovic v. S. California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002) (citation  
3 omitted).

4 Defendants assert that the requisite good cause is present to warrant the requested  
5 extension of time. Defendants make the instant request in light of the current issues related  
6 to COVID-19 including Nevada Governor Sisolak’s March 31, 2020 Declaration of Emergency  
7 (Directive 010) – ‘Stay at Home Order’ and the Governor’s April 1, 2020 “Stay at Home”  
8 directive. In response, the Office of the Attorney General (“OAG”) has directed all AOG  
9 employees to comply with the Governor’s orders, limit in-office work and to stay at home  
10 effective immediately while and until the OAG transitions to alternate, home-based working  
11 arrangements. In light of those directives and due to the difficulties the instant circumstances  
12 place on obtaining the necessary supporting documents, including declarations and  
13 correspondence between the OAG and Defendants, Defendants respectfully request that the  
14 Court extend the current deadline by 10 days, until July 2, 2020. The deadline to file replies  
15 would likewise be extended until July 16, 2010. Defendants’ request for 10 days will not  
16 hinder or prejudice Plaintiff’s or his case as he alleges to have been a practicing Qayin  
17 Thelemite for more than 10 years “since his conversion in 2008.” (ECF No.13 at p. 34 of 55)  
18 (Plaintiff’s page 32).

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**III. CONCLUSION**

For these reasons, Defendants respectfully request a ten (10) day extension to the current deadline to respond to Plaintiff's Emergency Motions for Preliminary Injunctions (ECF Nos. 14, 15).

Proposed Schedule for Dispositive Deadline

Current Response Deadline	June 22, 2020
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Proposed Response Deadline	July 2, 2020
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DATED this 22nd day of June 2020.

AARON D. FORD  
Attorney General

By: /s/ Charles D. Hopper  
CHARLES D. HOPPER, Bar No. 6346  
Deputy Attorney General  
*Attorneys for Defendants*

**IT IS SO ORDERED:**

  
UNITED STATES DISTRICT JUDGE

DATED: 6/23/2020

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on June 22, 2020, I electronically filed the foregoing, **DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION TO PLAINTIFF'S EMERGENCY MOTION FOR PRELIMINARY INJUNCTIONS (ECF NOS. 14, 15)**, via this Court's electronic filing system to the following:

Anthony Prentice, #74880  
C/o Law Librarian  
High Desert State Prison  
PO Box 650  
Indian Springs, NV 89070  
HDSP\_lawlibrary@doc.nv.gov

*Plaintiff, Pro Se*

/s/ Caitie Collins  
An employee of the Office of the  
Nevada Attorney General

# EXHIBIT A

E-mail dated June 22, 2020 from State of  
Nevada Enterprise IT Services

# EXHIBIT A

**From:** [Sandra L. Geyer](#)  
**To:** [EveryoneCarson](#)  
**Cc:** [Melissa K. Mendoza](#); [Jennifer L. Ross](#)  
**Subject:** FW: Enterprise IT Services – Notification - Network Issues \*Update\*  
**Date:** Monday, June 22, 2020 2:22:46 PM  
**Attachments:** [image002.png](#)  
**Importance:** High

Please see the message from EITS.

**From:** Outside Agency List <OUTSIDEAGENCIES@LISTSERV.STATE.NV.US> **On Behalf Of** State Email Admin  
**Sent:** Monday, June 22, 2020 1:53 PM  
**To:** OUTSIDEAGENCIES@LISTSERV.STATE.NV.US  
**Subject:** Enterprise IT Services – Notification - Network Issues \*Update\*  
**Importance:** High

## Enterprise IT Services – Notification - **Network Issues \*Update\***

<b>Outage Description</b>	<p>The fiber cut has been identified and is due to a severed utility power line. Fiber restoration efforts are pending the utility provider restoration to ensure the area is safe to work in. We will continue working on this and will send updates as they are received and needed for this event.</p> <p>Thank you for your time and patience</p>
<b>Affected Users</b>	Everyone State
<b>Audience</b>	Everyone State
<b>User Action</b>	N/A
<b>Next Update</b>	N/A
	If you have any questions or problems, please contact the POC below and we can assist you.
<b>Point of Contact</b>	EITS Help Desk: <a href="mailto:eitshelp@admin.nv.gov">eitshelp@admin.nv.gov</a> 775-684-4333

### Thank you – EITS Help Desk

#### EITS Client Services – Help Desk

State of Nevada | Department of Administration | Division of Enterprise IT Services

T: (775) 684.4333 | F: (775) 684.4712 | E: [EITShelp@admin.nv.gov](mailto:EITShelp@admin.nv.gov)

**Website:** <http://it.nv.gov/Helpdesks> -- **Request Portal:** <https://helpdesk.nv.gov/HEAT>



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To unsubscribe from the OUTSIDEAGENCIES list, click the following link:

[2](#)  
[TICKET=NzM3NjI4IFNHZXIickBBRy5OV5HT1YgT1VUU0IERUFHRU5DSUVTHI%2FDRhBVksOR&c=SIGNOFF](https://outsideagencies@listserv.state.nv.us/?url=TICKET=NzM3NjI4IFNHZXIickBBRy5OV5HT1YgT1VUU0IERUFHRU5DSUVTHI%2FDRhBVksOR&c=SIGNOFF)